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**2012 Edition**

# Rights of Minors in Connecticut

A Guide to Resources in the Law Library

- **Minor, Infant and Infancy:** "Except as otherwise provided by statute, on and after October 1, 1972, the terms "minor", "infant" and "infancy" shall be deemed to refer to a person under the age of eighteen years and any person eighteen years of age or over shall be an adult for all purposes whatsoever and have the same legal capacity, rights, powers, privileges, duties, liabilities and responsibilities as persons heretofore had at twenty-one years of age, and "age of majority" shall be deemed to be eighteen years." CONN. GEN. STATS. [§ 1-1d](#) (2011)
- **Child:** "means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, 'child' means any person (i) under eighteen years of age who has not been legally emancipated, or (ii) eighteen years of age or older who, prior to attaining eighteen years of age, has committed a delinquent act or, subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person under eighteen years of age;" CONN. GEN. STATS. [§ 46b-120](#)(1) (2012 Supplement).
- **Youth:** "means any person sixteen or seventeen years of age who has not been legally emancipated;" CONN. GEN. STATS. [§ 46b-120](#)(2) (2012 Supplement).
- **Family with Service Needs:** "means a family that includes a child under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;" CONN. GEN. STATS. [§ 46b-120](#)(7) (2012 Supplement).

[Connecticut Judicial Branch Website Policies and Disclaimers](#)

<http://www.jud.ct.gov/policies.htm>

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These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other pathfinders at  
<http://www.jud.ct.gov/lawlib/selfguides.htm#Pathfinders>

This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.  
The online versions are for informational purposes only.

**Table 1: Recent Public Acts Affecting Children, Juveniles, and Education**

<h1>Recent Public Acts Affecting Children, Juveniles, and Education*</h1>	
<b>Children / Juveniles</b>	<p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Children (2012)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Children (2011)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Children (2010)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Children (2009)</a>.</p>
<b>Education</b>	<p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Education (2012)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Education (2011)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Education (2010)</a>.</p> <p>Office of Legislative Research, <a href="#">[Public] Acts Affecting Education (2009)</a>.</p>

\* Source: Office of Legislative Research, *Acts Affecting*, <http://www.cga.ct.gov/olr/actsaffecting.asp> (Accessed on 7/3/12).

# Section 1: Emancipation in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the criteria for statutory and common law emancipation, and the impact of emancipation on the status of minors and the obligations of parents.

## **DEFINITIONS:**

- **Emancipation:** "Where the parent has absolutely renounced, by agreement or implication, all care and control of the child, he is emancipated." Town v. Anonymous, 39 Conn. Sup. 35, 38, 467 A.2d 687 (1983).
- **Order Of Emancipation:** "A minor over the age of sixteen who, like the minor child here, voluntarily lives apart from her parents who exercise and attempt to exercise no control over her activities is emancipated by operation of common law... Further, that minor is a party who may petition, as may her parents, for an order of emancipation pursuant to General Statute § 46b-150b..." Town v. Anonymous, 39 Conn. Sup. 35, 38, 467 A.2d 687 (1983).
- **Common Law Emancipation:** "By voluntarily removing herself from her parents' home and securing her own support — originally by sharing her boyfriend's workfare support from the town, and subsequently by becoming a recipient of town welfare in her own name and that of her baby — the minor has effectively removed herself from parental controls. This circumstance, combined with her parents' acquiescence therein, results in her becoming, under common law principles, an emancipated minor." *Id.* 38-39. See also [§ 46b-150e](#). Emancipation under common law.
- **Desertion by Parents:** "Ordinarily a child is emancipated at majority. 48 C. J. p. 485, § 119, and note 34. But the desertion of a minor by his parent may also emancipate him." Plainville v. Milford, 119 Conn. 380, 384, 177 A. 138 (1935).

## **PAMPHLETS:**

- Legal Assistance Resource Center of Connecticut, *A Teenager's Guide to Emancipation*.  
<http://ctlawhelp.org/a-teenagers-guide-to-emancipation>
- 211 E-Library,  
*Emancipation of Minors - Connecticut*  
<http://www.infoline.org/InformationLibrary/Documents/Emancipation%20of%20Minors%20fj.asp>
- The Probate Courts of Connecticut, *Guidelines for Guardianship of Minors* (2011).
  - [Page 12](#): Probate Court Jurisdiction over Emancipation of Minors  
<http://www.jud.ct.gov/probate/Guardian-KID.pdf>

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))

- [§ 46b-150](#). Emancipation of minor. Procedure.
- [§ 46b-150a](#). Investigation of petition for emancipation. Report. Appointment of counsel.
- [§ 46b-150b](#). Order of emancipation
- [§ 46b-150c](#). Appeal
- [§ 46b-150d](#). Effect of emancipation
- [§ 46b-150e](#). Emancipation under common law.
- 
- 

## **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Susan Price-Livingston, *Emancipation Procedures*, Connecticut General Assembly, Office of Legislative Research, Report No. [2002-R-0008](#) (Jan. 3, 2002).
- Susan Price-Livingston, *Parental Options for Out-of-Control 16-Year-Olds*, Connecticut General Assembly, Office of Legislative Research, Report No. [2009-R-0187](#) (April 30, 2009).

## **COURT CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- *In Re Mary, A Minor*, Probate Court, District of Fairfield (August 22, 2008) (22 Quinn. Prob. Law Jour. 200).  
"Unlike a termination of parental rights petition or that seeking the removal of a child from a parent, emancipation proceedings do not impose a burden of proof upon the petitioner by clear and convincing evidence. The statute demands no more than a fair preponderance of the evidence standard, meaning that this Court must find in Mary's favor if she proves that the statutory standards have been met by a fair preponderance of the evidence. In layman's parlance, only a 51% preponderance of fact must be found in order to support the petitioner's claim. Therefore, the question now is whether Mary has met that burden. The Court believes she has."
- [Delevett v. Delevett](#), 156 Conn. 1, 3-4, 238 A.2d 402 (1968).  
"When, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount . . . . The proper remedy, if the full amount is deemed excessive, is to seek a modification of the decree."
- *In Re Thomas C.*, 44 Conn. Sup. 437, 691 A.2d 1140 (1996).  
"Although the petitioners' stated reasons for seeking emancipation are understandable, the court finds that they do not meet the burden of good cause showing that it would be in the best interest of the child, or the parent, to emancipate Thomas." (p. 444)

- Wood v. Wood, 135 Conn. 280, 63 A.2d 586 (1948). "'An 'implied emancipation' results when the parent, without any express agreement, by his acts or conduct impliedly consents that his minor son may leave home and shift for himself, have his own time, and the control of his earnings, and it may be inferred from and shown by the circumstances.'" *Rounds Bros. v. McDaniel*, 133 Ky. 669, 676, 118 S.W. 956." (p. 284)
- In Re Antina, Superior Court, Juvenile Matters, Judicial District of Middlesex at Middletown (November 26, 1996). *Juvenile's petition for statutory emancipation granted*
- In Re Addison A., Superior Court, Juvenile Matters, Judicial District of Hartford/New Britain at Plainville, No. 91-234 (April 16, 1992). *Parents' petition for court ordered emancipation of their seventeen year old son denied*
- Mills v. Theriault, 40 Conn. Sup. 349, 499 A.2d 89 (1985). *Common law emancipation and child support obligation*
- Nelson v. Nelson, 22 Conn. Sup. 145, 164 A.2d 234 (1960). *Custody and support order not entered when child was emancipated at time of dissolution*

**ENCYCLOPEDIAS:**

- 59 AM. JUR. 2d *Parent & Child* §§ 73-78 (2012).
- 43 C.J.S. *Infants* §§ 153-162 (2004).
- 67A C.J.S. *Parent & Child* §§ 10-37 (2002).

**TEXTS & TREATISES:**

- 1 Donald T. Kramer, Legal Rights of Children, Ch. 15 (Rev. 2d Ed. 2005).
- Michael J. Dale Et Al., Representing the Child Client, §3.05 (2011).

**LAW REVIEWS:**

- Francis C. Cady, *Emancipation of Minors*, 12 CONN. L. REV. 62 (Fall 1979).
- Julie S. Lavin, *Emancipation of Minors: A Doctrinal and Practical Analysis for Child Advocates*, 10 CONN. FAM. L. J., no. 3, 1992, at 1.

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[Email.](#)

\* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

**Table 2: Child Support and Emancipation**

<b>Emancipation and Child Support</b>	
Arrearage	"This court, therefore, 'has jurisdiction in a contempt proceeding to enter an order to pay child support on unpaid installments which accrued before the child reached majority, where the proceedings were commenced after the child reached majority. The jurisdiction of the court is a continuing one, and the mere emancipation of the child should not serve to cancel the arrearage.'" <i>Arnold v. Arnold</i> , 35 Conn. Sup. 244, 245-46, 407 A.2d 190 (1979)." <i>Veras v. Veras</i> , 45 Conn. Sup. 169, 170, 702 A.2d 1217 (1997).
By Modification	"When, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount . . . . The proper remedy, if the full amount is deemed excessive, is to seek a modification of the decree." <a href="#">Delevett v. Delevett</a> , 156 Conn. 1, 3-4, 238 A.2d 402 (1968).

## Section 2: Family with Service Needs

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to Connecticut's Family with Service Needs law.
- SEE ALSO:**
- [§ 3 Runaways in Connecticut](#)
  - [§ 4 Truancy](#)
- DEFINITION:**
- **Family with Service Needs (FWSN):** "means a family that includes a child under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;" CONN. GEN. STATS. [§ 46b-120](#)(7) (2012 Supplement).

### **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))

- [Chapter 168](#). School attendance and employment of children [§ 10-198a](#). Policies and procedures concerning truants  
"(c) If the parent or other person having control of a child who is a truant fails to attend the meeting held pursuant to subdivision (1) of subsection (b) of this section or if such parent or other person otherwise fails to cooperate with the school in attempting to solve the truancy problem, such policies and procedures shall require the superintendent of schools to file, not later than fifteen calendar days after such failure to attend such meeting or such failure to cooperate with the school attempting to solve the truancy problem, for each such truant enrolled in the schools under his jurisdiction a written complaint with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs."
- [Chapter 319](#). Department of Children and Families  
§ 17a-1. Definitions
- [Chapter 815t](#). Juvenile matters ([2012 Supplement](#))  
§ 46b-120. Definition of 'family with service needs,' etc.  
§ 46b-140. Disposition upon conviction of child as delinquent.  
§ 46b-146. Erasure of police and court records.  
§ 46b-148. Violation of valid court order by child of family



with service needs  
 § 46b-149. Family with service needs. Complaint. Review by probation officer. Filing petition. Hearing. Order  
 § 46b-149a. Duties of police officer re child of family with service needs  
 § 46b-149b. Immunity of police officer or municipal official from parental liability  
 § 46b-149c. Truancy and other family with service needs cases. Duties of judicial branch  
 § 46b-149d. Demonstration project to establish school and community based truancy prevention initiative...  
 Establishment of truancy or family with service needs docket. Duties of Court Support Services Division

## **COURT RULES**

CONNECTICUT PRACTICE BOOK (2012)

- [Chapter 27](#). Reception and Processing of Delinquency and Family with Service Needs Complaints or Petitions
- [Chapter 29](#). Reception and Processing of Delinquency, Child from Family with Service Needs and Youth in Crisis Petitions and Delinquency Informations.
- [Chapter 30A](#). Delinquency, Family with Service Needs and Youth in Crisis Hearings.
- [Chapter 31A](#). Delinquency, Family with Service Needs and Youth in Crisis Motions and Applications.

## **ONLINE FAQs:**

- Division of Public Defender Services.  
*Juvenile Court in Connecticut Frequently Asked Questions: A Guide for Children and Families in the Juvenile Justice System* (January 2011)  
<http://www.ct.gov/ocpd/cwp/view.asp?a=4101&q=480334>
- Connecticut Judicial Branch Court Support Services Division,  
*Juvenile Probation Frequently Asked Questions*  
[http://www.jud.ct.gov/CSSD/juvprob\\_faq.htm](http://www.jud.ct.gov/CSSD/juvprob_faq.htm)

## **AGENCY GUIDANCE:**

- State of Connecticut Department of Education, [Utilizing Local Support Resources Prior to Referral of Students for Family With Service Needs](#), Series 2009-2010, Circular Letter: C-2 (August 4, 2009).

## **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Ryan F. O'Neil, *Family With Service Needs*, Connecticut General Assembly, Office of Legislative Research Report No. [2007-R-0256](#) (March 2, 2007). "You asked about the history of the family with Service Needs (FWSN) program."
- Saul Spigel, *Parental Control and Teenagers' Rights*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0860](#) (Oct. 25, 2002).
- Summary of 1998 Public Acts, Connecticut General Assembly, Office of Legislative Research, Page 204, *PA 98-*

*183 An Act Concerning Truancy and other Family with Service Needs Cases.*

**COURT FORMS:**

- Connecticut Judicial Branch Official Court Webforms, Juvenile Forms  
<http://www.jud.ct.gov/webforms/default.htm#JUVENILE>

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## Section 3: Runaways in Connecticut

A Guide to Resources in the Law Library

### **SCOPE:**

Bibliographic resources relating to:

- the legal rights of minors who leave home without parental consent and
- the responsibilities of legal guardians and public authorities.

### **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))

- [Chapter 104](#). Municipal police and fire protection  
[§ 7-282c](#). (2012 Supplement.) Filing and dissemination of reports re missing children, missing youths and certain missing persons.
- [Chapter 164](#). Educational opportunities ([2012 Supplement](#))  
§ 10-19m through 10-19p. Youth service bureaus . . . .
- [Chapter 319b](#). Department of Mental Retardation  
§ 17a-185. Police transportation of certain minors to facility for care
- [Chapter 528](#). Department of Public Safety  
§ 29-1e. Missing Children Information Clearinghouse. Definitions. Duties. Missing Child Reports.
- [Chapter 802h](#). Protected persons and their property  
§ 45a-604 (5) 'Guardianship' means. . .  
§ 45a-606 Father and mother joint guardians
- [Chapter 815t](#). Juvenile matters ([2012 Supplement](#))  
§ 46b-149a. Duties of police officer re child of family with service needs.  
§ 46b-150f. Youth in crisis. Petitions. Court Orders. Violations  
§ 46b-150g. Duties of police officer re youth in crisis.  
§ 46b-151 to 46b-151g. Interstate Compact on Juveniles (*see especially Article IV*)
- [Chapter 925](#). Statutory rights of action and defenses  
§ 52-572. Parental liability for torts of minors
- [Chapter 939](#). Offenses Against the Person  
§ 53-21a. Leaving child unsupervised in place of public accommodation or motor vehicle.

UNITED STATES CODE (2012)

- [Chapter 72](#). Juvenile justice  
[42 U.S.C. §§ 5701-5751](#). Runaways and homeless youth
- [Chapter 119](#). Homeless assistance  
[42 U.S.C. §§ 11431-11435](#). Education for homeless children

and youth

### **LEGISLATIVE REPORTS:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Susan Price, *Parental Options for Out-of-control 16-Year-Olds*, Connecticut General Assembly, Office of Legislative Research Report No. [2009-R-0187](#) (April 30, 2009). "You asked what parents can do when their 16- or 17-year olds run away or are beyond their control."
- Veronica Rose, *State Police Missing Persons Protocol*, Connecticut General Assembly, Office of Legislative Research Report No. [2007-R-0037](#) (Jan. 9, 2007).
- Saul Spigel, *Youth in Crisis Law*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0786](#) (Sept. 23, 2002). "You asked for (1) a history and summary of the youth in crisis (YIC) law, (2) a comparison between it and the family with service needs (FWSN) law, and (3) current budgets for both."
- Lawrence K. Furbish, *Background on Status Offenders*, Connecticut General Assembly, Office of Legislative Research Report No. [2003-R-0130](#) (Jan. 31, 2003). "You asked for background information on 'status offenders' including (1) the definition of the term, (2) if they can be incarcerated, the process of finding them guilty, and (3) any laws or regulations concerning their confinement."
- Saul Spigel, *Parental Control and Teenagers' Rights*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0860](#) (Oct. 25, 2002). "You asked about parents' control over teenagers and what ability teens have to make decisions without their parents' consent."
- George Coppolo, *Parents' Rights and Responsibilities for Their 16- and 17-Year Old Children*, Connecticut General Assembly, Office of Legislative Research, Report No. [2003-R-0564](#) (2003). "You asked for information about parental rights and responsibilities regarding their 16 and 17 year old children. You also asked whether 16 and 17 year olds are eligible for public defender services and whether their parents' income and assets are considered in determining their eligibility."

### **REGULATIONS**

- CONN. AGENCIES REGS. §§ 10-19m-1 to 10-19m-10 (5-99).  
§ 10-19m-1(f). "Youth Service Bureau' means an agency operated directly by one or more municipalities or a private agency designated to act as an agent of one or more municipalities for the purpose of evaluation, planning, coordination and implementation of prevention, intervention and treatment services for delinquent, pre-delinquent, pregnant, parenting and troubled youth, and for the provision of opportunities for youth to develop positively and to function as responsible members of their community."

- 45 CODE OF FEDERAL REGULATIONS (OCTOBER 1, 2011)  
[Part 1351](#). Runaway and Homeless Youth Program.

#### **POLICIES:**

- Department of Children and Families Policy Manual  
*Interstate Compact on Juveniles – ICJ*  
<http://www.ct.gov/dcf/cwp/view.asp?a=2561&q=317034&pp=3>  
  
[Policy 47-4-1](#) — General Provisions  
[Policy 47-4-2](#) — Return of Connecticut Escapees,  
Absconders and Runaways  
[Policy 47-4-3](#) — Placement and Supervision of a  
Delinquent Juvenile From Connecticut Into Another State  
[Policy 47-4-4](#) — Placement and Supervision of a  
Delinquent Juvenile From Another State Into Connecticut

#### **TEXTS & TREATISE:**

- 2 Donald T. Kramer, [Legal Rights of Children](#) (revised 2d ed. 2005).  
Chapter 20. Children in trouble: Status offenses  
§ 20.1. The juvenile status offender  
§ 20.4. Status offense jurisdiction  
§ 20.6. Due process rights of juvenile status offenders  
§ 20.7. Right to counsel  
§ 20.17. The Runaway and Homeless Youth Act; Missing  
Children Act  
§ 20.18. State laws
- 1 Michael J. Dale, [Representing the Child Client](#) (2011).  
§ 5.02. Status offenders  
[1] Introduction  
[2] Status offender Systems  
[3] Runaways

#### **HOTLINES:**

- [National Runaway Switchboard](#)  
Phone: 1-800-RUNAWAY  
3080 North Lincoln Avenue, Chicago, IL 60657  
email: [info@nrscrisisline.org](mailto:info@nrscrisisline.org)  
<http://www.1800runaway.org/>  
*Counseling and referral services 24-hrs*
- [211 – United Way of Connecticut](#)  
Phone: 211  
<http://www.211ct.org>  
*Connecticut's free information and referral service.*

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[Email](#).

# Section 4: Truancy in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to:

- the legal responsibilities of parents, guardians, school districts and public officials concerning truants and
- judicial response to habitual truants

## **DEFINITIONS:**

- "For the purposes of this section, '**truant**' means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year" CONN. GEN. STAT. [§10-198a](#)(a) (2012 Supplement).
- "For the purposes of this section, '**habitual truant**' means a child age five to eighteen, inclusive, enrolled in a public or private school and has twenty unexcused absences within a school year" CONN. GEN. STAT. [§10-200](#) (2011).

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011)

[Chapter 168](#). - School attendance and employment of children (2012 Supplement)

- § 10-184. Duties of parents. School attendance age requirements
- § 10-185. Penalty
- § 10-198a. Policies and procedures concerning truants.
- § 10-199. Attendance officers. Duties.
- § 10-200. Habitual truants.
- § 10-201. Fees for arresting truants
- § 10-202. Warrant and hearing.

[Chapter 815t](#) – Juvenile Matters (2012 Supplement)

- § 46b-149c. Truancy and other family with service needs cases. Duties of judicial branch.
- § 46b-149d. Demonstration project to establish school and community-based truancy prevention initiative. Sites. Grant eligibility. Establishment of truancy or family with service needs docket. Duties of Office of Alternative Sanctions.

## **REGULATIONS:**

CONN. AGENCIES REGS. [§ 10-76d-7](#). Referral (11-09).

"Each board of education shall accept and process referrals from appropriate school personnel, as well as from a child's parents; or from a physician, clinic or social worker, provided the parent so permits, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before a child is referred to a planning and placement team, alternative procedures and programs in regular ... (Effective September 1, 1980)."

**AGENCY  
GUIDANCE:**

- State of Connecticut Department of Education, [Utilizing Local Support Resources Prior to Referral of Students for Family With Service Needs](#), Series 2009-2010, Circular Letter: C-2 (August 4, 2009).

**LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Lawrence K. Furbish, *Background on Status Offenders*, Connecticut General Assembly, Office of Legislative Research Report No. [2003-R-0130](#) (Jan. 31, 2003). "You asked for background information on 'status offenders' including (1) the definition of the term, (2) if they can be incarcerated, the process of finding them guilty, and (3) any laws or regulations concerning their confinement."
- Judith Loham, *Truancy Laws*, Connecticut General Assembly, Office of Legislative Research Report No. [2000-R-0957](#) (October 13, 2000). "You asked how the law defines truancy and who is responsible for enforcing school attendance laws when parents fail to send young children to school."

**COURT CASES:**

- [Campbell v. Board of Education](#), 193 Conn. 93, 94, 475 A.2d 289 (1984).  
"This case concerns the validity of the policy of a local school board that imposes academic sanctions for nonattendance upon high school students... The plaintiff claimed that the defendants' policy was ultra vires in light of operative provisions of the Connecticut constitution and the United States constitution."

**ALR INDEX:**

- Schools and Education
  - Absence or presence

**TEXTS &  
TREATISE:**

- Thomas B. Mooney, [A Practical Guide to Connecticut School Law](#) (7th ed., 2012).  
Chapter 4. Residency and school attendance
  - Mandatory school attendance (pp. 306-309)
  - Student truancy (pp. 314-316)
- 3 James A. Rapp, [EDUCATION LAW](#) (2011)  
Chapter 8. The student-educational institution  
§ 8.03. Compulsory education and attendance
  - [1] Generally
  - [2] Foundations
  - [3] Validity of compulsory attendance requirements
  - [4] Objections to the application of compulsory attendance requirements
  - [5] Nature and scope of compulsory attendance requirements
  - [8] Enforcement of compulsory attendance requirements
- 2 Donald T. Kramer, [Legal Rights of Children](#) (Revised 2d ed. 2005).  
Chapter 20. The Juvenile Offender: Status Offenses

**ONLINE  
PUBLICATIONS  
& PAMPHLETS:**

- Center for Children's Advocacy, *Truancy: Have You Missed a Lot of School? What Does the Law Say?* (2007).  
<http://ctlawhelp.org/truancy-your-rights-in-school>
- Center for Children's Advocacy, *Truancy Intervention — National Models and Connecticut Initiatives* (2011).  
<http://www.kidscounsel.org/Dec2011TruancyModels.pdf>

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# Section 5: School Discipline in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to student discipline and the due process rights of students.

## **DEFINITIONS:**

- **EXCLUSION:** “means any denial of public school privileges to a pupil for disciplinary purposes.” CONN. GEN. STATS. [§ 10-233a](#)(a) (2011).
- **REMOVAL:** “means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.” CONN. GEN. STATS. [§ 10-233a](#)(b) (2011).
- **IN-SCHOOL SUSPENSION:** “means an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.” CONN. GEN. STATS. [§ 10-233a](#)(d) (2011).
- **SUSPENSION:** “means an exclusion from school privileges or from transportation services only for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.” CONN. GEN. STATS. [§ 10-233a](#)(d) (2011).
- **EXPULSION:** “means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.” CONN. GEN. STATS. [§ 10-233a](#)(e) (2011).
- **EMERGENCY:** “means a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.” CONN. GEN. STATS. [§ 10-233a](#)(f) (2011).

## **STATUTES:**

CONN. GEN. STAT. (2011)

[Chapter 170](#). Boards of education ([2012 Supplement](#))

- § 10-222d. Policy on bullying behavior
- § 10-233a. Definitions
- § 10-233b. Removal of pupils from class.
- § 10-233c. Suspension of pupils
- § 10-233d. Expulsion of pupils

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- § 10-233e. Notice as to disciplinary policies and action.
- § 10-233f. In-school suspension of pupils. Reassignment.
- § 10-233g. Reports of principals to police authority concerning physical assaults upon school employees by students.
- § 10-233h. Arrested students. Reports by police, disclosure, confidentiality. Police testimony at expulsion hearings.
- § 10-233i. Students placed on probation by a court.
- § 10-233j. Student possession and use of telecommunication devices.
- § 10-235. Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation.
- § [53a-217b](#). Possession of a weapon on school grounds: Class D felony.

### **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- John Moran, *Use of Restraint and Seclusion in Connecticut Public Schools*, Connecticut General Assembly, Office of Legislative Research, Report No. [2012-R-0084](#) (Feb. 10, 2012).
- Judith Lohman, *Expulsion for Conduct Outside of School*, Connecticut General Assembly, Office of Legislative Research, Report No. [2011-R-0054](#) (Jan. 27, 2011).
- Susan Price, *Searching Students for Drugs*, Office of Legislative Research, Report No. [2009-R-0465](#) (Dec. 31, 2009).
- Judith Lohman & Kristina Arsenault, *School Discipline Policies and Procedures*, Connecticut General Assembly, Office of Legislative Research, Report No. [2002-R-0123](#) (Feb. 7, 2002).
- Links to other school law Office of Legislative Reports can be found at the *Connecticut Law about School Law* web page (<http://www.jud.ct.gov/lawlib/Law/school.htm>) or at the Office of Legislative Research website (<http://www.cga.ct.gov/olr>).

### **AGENCY GUIDANCE:**

- State of Connecticut Department of Education, [Guidelines for In-School and Out-of-School Suspension](#) (Revised December 2010).
- State of Connecticut Department of Education, [Bullying and Harassment](#) (Web page accessed on May 17, 2012).

### **STATE COMMISSION INFORMATION:**

- Connecticut Commission on Children, [Bullying](#) (Web page accessed on May 17, 2012). (<http://www.cga.ct.gov/coc/bullying.htm>)
- Connecticut Commission on Children, [Bullying: Plain-English Explanation of the Law](#) (PDF)

## **COURT CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [Safford Unified School Dist. No. 1 v. Redding](#), 557 US 364, 129 S. Ct. 2633, 174 L. Ed. 2d 354 (2009). "The strip search of Savana Redding was unreasonable and a violation of the Fourth Amendment, but petitioners Wilson, Romero, and Schwallier are nevertheless protected from liability through qualified immunity. Our conclusions here do not resolve, however, the question of the liability of petitioner Safford Unified School District # 1 under *Monell v. New York City Dept. of Social Servs.*, 436 U.S. 658, 694, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978), a claim the Ninth Circuit did not address."
- [New Jersey v. T.L.O.](#), 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed. 2d 720 (1985).  
"Under ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." (p. 341)
- [Goss v. Lopez](#), 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed. 2d 725 (1975).  
"Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires ... that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence authorities have and an opportunity to present his side of the story." (p. 581)
- [Packer v. Board of Education](#), 246 Conn. 89, 717 A.2d 117 (1998).  
"In order to subject a student to expulsion, conduct off school grounds must not only violate school policy, it must also be 'seriously disruptive of the educational process' for reasons other than the fact that it violated school policy," (p. 112)  
"...the language of §10-233d indicates that the legislature intended that the phrase 'seriously disruptive of the educational process' apply to conduct that markedly interrupts or severely impedes the day-to-day operation of a school." (p. 116-117)
- [Op. Att'y Gen 89-023](#) (1989).  
"We conclude that Conn. Gen. Stat. §§ 10-233c and 10-233d permit the transfer or exclusion of students on the basis of off-campus misconduct if such behavior threatens the safety of school property or the welfare of the persons who work or study there." (p. 130)
- [Perry v. Wallingford Bd. of Education](#), Superior Court, judicial district of New Haven at New Haven, Docket No. CV94-0361257S (August 3, 1994).  
"The statute which authorizes boards of education to expel or

suspend students from attendance at public schools ... does not provide for an appeal to the court from such administrative decisions."

- Ambrose v. Singe, Superior Court, judicial district of Danbury, Docket No. 320896, 19 Conn. L. Rptr. 639 (June 10, 1997).  
*Plaintiff alleged that school officials were negligent in so far as they failed to discipline a student who threatened and finally attacked the plaintiff, and that the city was liable pursuant to Conn. Gen. Stat. §10-235.*

#### **FORMS:**

- 6 JAMES A. RAPP, EDUCATION LAW (2011).  
Chapter F5. Student control and discipline  
§ F5.01. Student control and discipline  
*Includes sample code of discipline, code of student conduct, and emergency disciplinary procedures*  
§ F5.02 Disciplinary Procedures  
*Includes sample notices for detention, probation, suspension, student misconduct, conferences, etc.*
- 22 AM. JUR. PL. & PR. FORMS, *Schools* (2001)  
Form 120. Petition or application —For writ of mandamus—To compel readmission of expelled student—Insufficient evidence at expulsion hearing  
Form 121. Petition or application — For writ of mandamus—To compel issuance of diploma by school authorities  
Form 123. Complaint, petition, or declaration—To enjoin denial of admission of minor to school—By guardian ad litem or next friend  
Form 127. Complaint, petition, or declaration— To enjoin school authorities from preventing readmission of student indefinitely expelled for alleged intoxication—By next friend  
Form 129. Answer—Defense—Failure to exhaust administrative remedies following expulsion of student

#### **ENCYCLOPEDIAS:**

- 67B AM. JUR. 2d *Schools* (2010).  
Suspension and expulsion  
Power of School Authorities to Suspend or Expel  
§ 325. Generally  
§ 326. —Provided by statute  
§ 327. —Principals and teachers  
Grounds  
§ 328. Insubordination or disobedience  
§ 329. Sale or use of controlled substance or alcohol at school  
§ 330. Use of vulgar or profane language  
§ 331. Conduct outside of school  
§ 332. Violent behavior or possession of weapons  
§ 333. Other grounds  
Procedural rights of students facing suspension or expulsion

- § 334. Notice and hearing
- § 335. —Statutory rights
- §336. Requisites of notice
- § 337. Nature of hearing
- § 338. Evidence at hearing
- § 339. Witnesses
- § 340. Appeal

- 78A [C.J.S.](#) *Schools and School Districts* (2008)  
Control of pupils and discipline  
§ 1082 et seq.

**PAMPHLETS:**

- Legal Assistance Resource Center of Connecticut, *School Expulsion: What Is the Process? What Can You Do?* (April 2011).  
<http://ctlawhelp.org/school-expulsions-when-your-child-is-expelled>
- Legal Assistance Resource Center of Connecticut, *Your Child's Rights in School* (August 2011).  
<http://ctlawhelp.org/your-childs-rights-in-school>

**TEXTS &  
TREATISE:**

- Thomas B. Mooney, [A Practical Guide to Connecticut School Law](#) (7th ed., 2012).  
Chapter 4. Students, pp. 285-430  
C. Student Discipline, p. 326 et seq.
  1. Corporal Punishment
  2. Off-campus conduct and school authority
  3. Authorized disciplinary interventions
  4. Special education students
 E. Student rights,
  2. Search and seizure, p. 383 et seq.
    - a. Reasonable at inception
    - b. Reasonable in scope
    - c. Applying T.L.O. [New Jersey v. T.L.O. , 469 U.S. v. 325 (1985)]
  3. Other constitutional rights
    - a. Due process
    - b. Equal protection
    - c. Self-incrimination
    - d. Other constitutional claims
- 3 JAMES A. RAPP, [EDUCATION LAW](#) (2011)  
Chapter 8. The student-educational institution relationship  
§ 8.06. Regulation and recognition of academic or other performance
  - [3] Academic dishonesty or fraud
  - [4] Academic Evaluation and Discipline
 Chapter 9. Student safety, control and discipline  
§ 9.03. Establishing student conduct rules  
§ 9.04. Rules affected by the First and Fourteenth Amendments  
§ 9.05. Rules relating to general student conduct  
§ 9.06. Rules relating to student possession or use of substance

§ 9.08. Searches and investigations of students

§ 9.09. Student discipline procedures

§ 9.10. Student discipline methods

- 2 Donald T. Kramer, [\*Legal Rights of Children\*](#) (revised 2d. ed. 2005).  
Chapter 25. Civil and constitutional rights of school children  
§ 25:17. Freedom from unreasonable searches and seizure  
§ 25:18. Locker searches  
§ 25:19. Searches of a student's property or person  
§ 25:20. Situations and facts justifying searches  
§ 25:21. Legality of using "sniffer dogs" to search for drugs  
§ 25:22. Legality of urine testing in public schools  
§ 25:24. The intended use of evidence obtained in the search

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# Section 6: Freedom of Speech in Public Schools

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to student rights to freedom of expression in public schools.

## **CONSTITUTIONS:**

- [CONN. CONST.](#) Art.I, § 4.  
"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty."
- [CONN. CONST.](#) Art.I, § 5.  
"No law shall ever be passed to curtail or restrain the liberty of speech or of the press."
- [U.S. CONST.](#) amend. I.  
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

## **DEFINITIONS:**

- **Tinker Standard:** "In our system, state-operated schools may not be enclaves of totalitarianism... Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State... In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views." [Tinker v. Des Moines Independent Community School District](#), 393 U.S. 503, 511, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969).

## **CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [Doninger v. Miehoff](#), 642 F.3d 334 (2d Cir. 2011). "We are once again called upon to consider the circumstances in which school administrators may discipline students for speech relating directly to the affairs of the school without running afoul of the First Amendment. More precisely, we must determine if the defendant-school-administrators before us are entitled to qualified immunity on the plaintiff-student's claims that they violated her First Amendment rights by (1) preventing her from running for Senior Class Secretary as a direct consequence of her off-campus internet speech, and (2) prohibiting her from wearing a homemade printed t-shirt at a subsequent school assembly."
- [Morse v. Frederick](#), 551 US 393, 127 S. Ct. 2618, 168 L. Ed. 2d 290 (2007). "At a school-sanctioned and school-

supervised event, a high school principal saw some of her students unfurl a large banner conveying a message she reasonably regarded as promoting illegal drug use. Consistent with established school policy prohibiting such messages at school events, the principal directed the students to take down the banner. One student— among those who had brought the banner to the event—refused to do so. The principal confiscated the banner and later suspended the student.”

- [Bethel School District No. 403 v. Fraser](#), 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed. 2d 549 (1986). “Unlike the sanctions imposed on the students wearing armbands in *Tinker*, the penalties imposed in this case were unrelated to any political viewpoint. The First Amendment does not prevent the school officials from determining that to permit a vulgar and lewd speech such as respondent's would undermine the school's basic educational mission. A high school assembly or classroom is no place for a sexually explicit monologue directed towards an unsuspecting audience of teenage students. Accordingly, it was perfectly appropriate for the school to disassociate itself to make the point to the pupils that vulgar speech and lewd conduct is wholly inconsistent with the “fundamental values” of public school education.” (p. 685)
- [Hazelwood School District v. Kuhlmeier](#), 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed. 2d 592 (1988). *Censorship of articles in a high school newspaper*  
“Accordingly, we conclude that the standard articulated in *Tinker* for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.” (p.272-273)
- [Byars v. City of Waterbury](#), 47 Conn. Sup. 342, 795 A.2d 630 (2001). “The issue in the above captioned action is the constitutionality of a school dress code imposed by the Waterbury board of education on students attending the Waterbury public schools”  
“The plaintiffs have not claimed that the school dress code at issue violated any right to freedom of speech or expression, and the court makes no finding in this regard...The plaintiffs have failed to prove their other claims.” (p. 371)

**ENCYCLOPEDIAS:**

- 67B [AM. JUR. 2d](#) *Schools* (2010).  
Free Speech Rights, §§ 301-313

**TREATISES:**

- Thomas B. Mooney, [A Practical Guide to Connecticut School](#)



- [Law](#), (7th ed., 2012).
  - Chapter 4. Students
    - C. Student Discipline
      - 2. Off campus conduct and school authority, p. 327 et seq.
    - E. Student rights
      - 1. Free speech, p. 372 et seq.
        - a. Tinker standard
        - b. The evolution of free speech rules
- 3 James A. Rapp, [Education Law](#) (2011).
  - Chapter 9. Student safety, control and discipline
    - § 9.04. Rules affected by the First and Fourteenth Amendments
      - [4]—Speech
        - [a]—In general
        - [b]—Symbolic speech and political expression
        - [c]—Pure speech or expression
- 5 James A. Rapp, [Education Law](#) §§ 11.01—11.04 (2011).
  - Chapter 11. Curriculum and teaching methods
    - § 11.01. Academic freedom
    - § 11.02. Curriculum, teaching methods, instructional materials, and school activities
    - § 11.03. Library and resource center material
    - § 11.04. Services and activities related to the educational institution
- 2 Michael J. Dale et al., [Representing the Child Client](#) (2011).
  - Chapter 6. Representing students in school-related matters
    - § 6.07. Freedom of expression
      - [1]—Overview
      - [2]—*Tinker v. Des Moines Independent Community School District*
      - [3]—*Bethel School District No. 403 v. Fraser*
      - [4]—*Hazelwood School District v. Kuhlmeier*
      - [5]—Considerations after *Tinker*, *Fraser*, and *Kuhlmeier*
      - [6]—Particular forms of expression in the schools
        - [a]—Saluting the flag
        - [b]—Buttons, armbands, and other insignia
        - [c]—Hair length, dress code, and other matters of personal appearance
        - [d]—Distribution of literature
        - [e]—School-sponsored activities
  - 2 Donald T. Kramer, [Legal Rights of Children](#) (revised 2d ed. 2005).
    - Chapter 25 — Freedom of Speech, §§ 25:1 – 25:7.

**INTERNET  
RESOURCES:**

- United States Courts Educational Resources  
<http://www.uscourts.gov/EducationalResources.aspx>

- o [Free Speech and School Conduct](#)
- o [Freedom of the Press and School Newspapers](#)

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# Section 7: Curfews in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to juvenile curfew ordinances and the constitutional issues raised by juvenile curfews.

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011)

### [Chapter 98. Municipal powers](#)

§ 7-148. Scope of municipal powers

(c) "Any municipality shall have the power to do any of the following, in addition to all powers granted to municipalities under the Constitution and general statutes:

(7) Make rules relating to . . . .

(F)(iii) Prohibit the loitering in the nighttime of minors on the streets, alleys or public places within its limits;"

## **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Susan Price, *Curfew Laws for Minors*, Connecticut General Assembly, Office of Legislative Research Report No. [2006-R-0581](#) (Oct. 2, 2006).
- Jason K. Matthews, *Constitutionality of Hartford's Loitering Ordinance*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0296](#) (Mar. 27, 2002).

## **AGENCY GUIDANCE:**

- Department of Motor Vehicles, [The \[Driver's\] Curfew Law for 16- and 17- Year-Olds Regarding Prom Season](#) (Last Modified on 5/28/2009).
- Department of Motor Vehicles, [Supplement to Connecticut Driver's Manual](#) [Describes 16- and 17-Year-Old Driver's Curfew].

## **COURT CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [Ramos v. Town of Vernon](#), 353 F. 3d 171, (2d Cir. June 2, 2003). The U.S Court of Appeals for the 2nd Circuit ruled that the Town of Vernon curfew ordinance violates the constitutional rights of juveniles. "The constitutionality of a curfew is determined by balancing the recognized interests the state has in protecting children and fighting crime against the constitutional right of all citizens, including juveniles, to move about freely. Here, Vernon's curfew interferes with juveniles' freedom of movement, that is, their right to walk the streets, move about at will, meet in public with friends, and leave their houses when they please. This right to free movement is a vital component of life in an open society, both for juveniles and adults."

#### *New York*

- [Anonymous v. Rochester](#), 13 NY 3d 35 (2009). “The issue before this Court is whether the juvenile nighttime curfew adopted by the Rochester City Council violates the Federal and New York State Constitutions. We hold that it does.”

#### *Massachusetts*

- [Commonwealth v. Weston W.](#), 455 Mass. 24 (2009). “We conclude that the curfew itself is narrowly tailored to achieve its purposes. However, the criminal processes and punishments provided in the ordinance for curfew violations are not the least restrictive means of accomplishing those purposes, and contradict well-established goals of rehabilitating, not incarcerating, juvenile offenders.”

#### *Other Federal*

- [Hutchins by Owens v. District of Columbia](#), 188 F.3d 531 (D.C. Cir. 1999) *Curfew law found constitutional; district court's grant of summary judgment reversed*  
“That the rights of juveniles are not necessarily coextensive with those of adults is undisputed, and ‘unemancipated minors lack some of the most fundamental rights of self-determination—including even the right of liberty in its narrow sense, i.e., the right to come and go at will.’...” (p. 539)
- [Outb v. Strauss](#), 11 F.3d 488 (5<sup>th</sup> Cir. 1993), *cert. denied*, 511 U.S. 1127 (1994).  
“In conclusion, we find that the state has demonstrated that the curfew ordinance furthers a compelling state interest, i.e., protecting juveniles from crime on the streets. We further conclude that the ordinance is narrowly tailored to achieve this compelling state interest. Accordingly, we hold that the nocturnal juvenile curfew ordinance ... is constitutional.” (p. 496)

#### **ENCYCLOPEDIAS:**

- 56 [AM. JUR. 2d](#) *Municipal Corporations* (2010).  
§ 416. Curfews

#### **TEXTS & TREATISES:**

- 1 Donald T. Kramer, [Legal Rights of Children](#) (rev. 2d. ed. 2005).  
Chapter 14. Restrictions on the legal rights and liberties of adolescents  
§ 14:7. Curfews
- 6A Eugene McQuillin, [The Law of Municipal Corporations](#) (3d ed. revised).  
Chapter 24 — General Nature and Scope of Police Power  
§ 24.109. Curfew Laws [Extensive footnotes contain cases from many jurisdictions, including Connecticut]
- 1 Michael J. Dale et al., [Representing the Child Client](#) (2011).  
Chapter 3. The legal status of minors  
[3] —Right to participate in community activities

[e] Restrictions on mobility  
[ii]. Curfew

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# Section 8: Contractual Rights of Minors

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the capacity of minors to enter into contracts and the enforceability of such contracts.

## **DEFINITIONS:**

- **Privilege of an infant to avoid contracts:** "The privilege of an infant to avoid contracts which are injurious to him, and rescind those which are not, is not an exception to a general rule, but a general rule with exceptions. The law assumes the incapacity of an infant to contract. It also recognizes the fact that ... it is indispensably necessary that an infant should be at liberty to contract for necessities; and that he may happen to make other contracts which will be beneficial to him. It does not therefore forbid him to contract, but gives him for his protection the privilege of avoiding contracts which are injurious to him and rescinding all others ... excepting from the operation of the privilege only contracts for necessities, contracts which he may be compelled in equity to execute, and executed contracts where he has enjoyed the benefit of them and can not restore the other party to his original position." [Riley v. Mallory](#), 33 Conn. 201, 206 (1866).
- **Doctrine of Necessaries:** "The rule that a minor's contracts are voidable, however, is not absolute. An exception to this rule, eponymously known as the doctrine of necessities, is that a minor may not avoid a contract for goods or services necessary for his health and sustenance. See 5 S. Williston, Contracts (4th Ed. 1993) § 9:18, pp. 149-57. Such contracts are binding even if entered into during minority, and a minor, upon reaching majority, may not, as a matter of law, disaffirm them." [Yale Diagnostic Radiology v. Estate of Fountain](#), 267 Conn. 351, 360, 838 A.2d 179 (2004).
- "Even when an infant agrees to pay a stipulated price for necessities, he is not bound to pay the price stipulated in the contract, and the person furnishing them can recover only the fair and reasonable value of such necessities." [Ennis v. Beers](#), 84 Conn. 610, 612-613, 80 A. 772 (1911).

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))  
[§ 1-1d](#) (Definition of Minor)

### Chapter 36a. Deposits

[§ 36a-297](#). Deposits or share accounts of minors.

"A minor may contract to establish a deposit account with any bank or share account with any Connecticut credit union or federal credit union, and may be the owner, or a joint owner, co-owner or beneficiary of any deposit account..."

Chapter 699. Insurance contracts in general  
[§ 38a-284](#). Insurance contracts by minors

Title 42a, Article 3  
[42a-3-305](#). Defenses and claims in recoupment

Chapter 815t. Juvenile matters  
[§ 46b-150d](#). Effect of emancipation ([2012 Supp.](#))

### **RESTATEMENT OF THE LAW:**

- RESTATEMENT (SECOND) OF CONTRACTS (1981)
  - § 7. Voidable contracts
  - § 12. Capacity to contract
  - § 14. Infants

### **JURY INSTRUCTIONS:**

- Connecticut Judicial Branch, *Civil Jury Instructions* (2009).
  - [4.4-1. Minors](#)
  - [4.4-2. Guardianship](#)

### **COURT CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [Yale Diagnostic Radiology v. Estate of Fountain](#), 267 Conn. 351, 360, 838 A.2d 179 (2004). "Connecticut has long recognized the common-law rule that a minor child's contracts are voidable. See *Shutter v. Fudge*, 108 Conn. 528, 530, 143 A. 896 (1928); *Strong v. Foote*, 42 Conn. 203, 205 (1875). Under this rule, a minor may, upon reaching majority, choose either to ratify or to avoid contractual obligations entered into during his minority. See 4 S. Williston, *Contracts* (4th Ed. 1992) § 8:14, pp. 271-72. The traditional reasoning behind this rule is based on the well established common-law principles that the law should protect children from the detrimental consequences of their youthful and improvident acts, and that children should be able to emerge into adulthood unencumbered by financial obligations incurred during the course of their minority."
- [Saccente v. Laflamme](#), Superior Court, Judicial District of Tolland at Rockville, No. CV01-00756730 (July 11, 2003). "In opposition to the motion for summary judgment, the plaintiff also claims that there is a genuine issue of material fact as to whether a release and hold harmless agreement is enforceable against a minor. The plaintiff claims, quoting *Addario v. Sandquist*, Superior Court, judicial district of New Haven at New Haven, Docket No. CV 960391759 (March 25, 1998, DeMayo, J.T.R.) (21 Conn.L.Rptr. 501), that it is well settled that a child who enters into a contract may elect to avoid the legal relations created by the contract. However, there the court found that the contract was entered into by the minor on his own and for himself. Similarly, in *Blancato v. Feldspar Corporation*, 203 Conn. 34, 52 A.2d 1235 (1987), cited by the plaintiff the court allowed a minor to avoid an employment contract but only where he had been illegally employed in violation of the child labor laws. In *Wells v. Radville*, 112 Conn. 459, 465, 153 A. 154 (1931), the court held that '[t]he contract implied by the Compensation Act, that both parties agree to accept its

benefits and be bound thereby in lieu of any other remedy, being a contract implied by the law for the mutual protection and benefit of both, there seems no logical reason why a minor should not be bound and subject to this implied contract just as much as a person of full age and sui juris.' Thus in proper circumstances a minor may enter into a binding contract. In any event, the issue here is not the same as the cases cited above since the contracts here were entered into not only by the minor but also by the minor's parent on his own behalf as well as on behalf of his child."

- Addario v. Sandquist, Superior Court, Judicial District of New Haven at New, No. CV-96-0391759S (Mar. 25, 1998), Haven, 21 CONN. L. RPTR. No. 15, 501 (May 25, 1998), 1998 WL 161176. "Assuming as facts the defendant's scenario, the court finds no basis to suggest that this was not a purchase by the minor. The adult who was present did not stand 'in loco parentis' to the minor. He was the father of a friend of the minor, both having accompanied this plaintiff to the car trade show in the minor's car. The minor's registration plate was placed on the vehicle, and it was the minor who received the bill of sale and the car keys from the defendant. The defendant did not insert any name in the bill of sale under 'purchaser.'"
- Goodrow v. Bates, Superior Court, Judicial District of Danbury, Docket No. 295634 (May 8, 1992). "The clear impact of Blancato is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers' compensation benefits, or to reject it and bring a common law tort action... This is a clear situation of election of remedies and ratification of the illegal employment contract."
- Blancato v. Feldspar Corporation, 203 Conn. 34, 41-42, 522 A.2d 1235 (1987). Estate of a minor who was illegally employed may bring a suit for wrongful death despite the exclusive remedy provision of the Workers' Compensation Act. "...we limit this power of election with respect to employment contracts to minors who had been illegally employed."
- Saccavino v. Gambardella, 22 Conn. Supp. 167, 169, 164 A.2d 304 (1960). "The infancy of the defendant son should be pleaded as a defense if relied upon, rather than as a ground of demurrer."

## **FORMS:**

- 9B AM. JUR. LEGAL FORMS 2D §§ 144:21-144:70 (2002 revision)
  - Chapter 144. Infants
    - § 144:21 Notice—Disaffirmance of contract—Return of consideration tendered
    - § 144:144:22 Notice—Disaffirmation of contract—Provision—Justification for nonreturn of consideration



- § 144:23 Notice—Disaffirmation of promissory note
- § 144:27 Notice of ratification of contract made during minority
- § 144:30 Ratification of contract—Debt contracted during minority
- § 144:32 Ratification—Land sales contract

- 14 [AM. JUR. PLEADING AND PRACTICE FORMS](#) INFANTS §§ 143-181 (2004).
  - § 63. Complaint, petition, or declaration—of infant suing by guardian ad litem—Rescission of contract for purchase of non-necessaries—Return of consideration”
  - § 73. Answer—Defense—Ratification of contract by infant
  - § 74. Answer—Defense—Infant’s lack of capacity to contract
  - § 80. Reply —Allegation—Goods furnished infant were necessities

**CHECKLISTS:**

- 9B [AM. JUR. LEGAL FORMS 2D](#) §§ 144:21-144:70 (2002 revision)  
Chapter 144. Infants
  - § 144:26 Form drafting guide—Checklist—Matters to be considered in drafting ratification of minor’s agreement

**ENCYCLOPEDIAS:**

- 42 [AM. JUR. 2d](#) *Infants* (2010).  
IV. Contracts and conveyances, in general  
§§ 39-115
- 43 [C.J.S.](#) *Infants* (2004).
  - § 209. Capacity to contract and validity of contracts, Generally
  - § 210. Reason for, and purpose of , infant doctrine
  - § 211. Power of legislature
  - § 212. Contracts as voidable, not void
  - § 213. Contracts beneficial to or prejudicial to infant
  - § 224. Avoidance or disaffirmance, Generally

**TEXTS & TREATISE:**

- 1 Donald T. Kramer, [Legal Rights of Children](#) (2d rev. ed., 2005).  
Chapter 10. Children and the law of contracts
  - § 10:1. The right of children to make contracts and disaffirm them
  - § 10:2. Exceptions to disaffirmation rule: Contracts for necessities
  - § 10:3. —What are necessities
  - § 10:4. —Statutory changes
  - § 10:5. Consequences of a disaffirmation
  - § 10:6. Misrepresentation of age
  - § 10:7. Contracts made by parents/guardians
- 5 Samuel Williston, [A Treatise on the Law of Contracts](#) (4th

ed. 2009).

Chapter 9. Capacity of parties—Infants

§ 9:1. Parties of limited capacity to contract—  
Introduction

§ 9:2. Early law concerning validity of infants' contract

§ 9:3. The age of majority

§ 9:4. Emancipation of infant

§ 9:5. Infant's contracts are generally voidable, not  
void

§ 9:6. Transactions which cannot be avoided by infant

§ 9:7. —Special rules governing infants' contract of  
partnership

§ 9:8. —Statutory changes in common law liability of  
infants

§ 9:9. The meaning of voidable

§ 9:10. Power of avoidance is personal

§ 9:11. Effect of subsequent good faith purchaser on  
infant's disaffirmation right

§ 9:12. What constitute disaffirmation

§ 9:13. When power of avoidance may be exercised

§ 9:14. The availability of partial disaffirmation

§ 9:15. Other consequence of disaffirmation

§ 9:16. Restoration of consideration

§ 9:17. Ratification

§ 9:18. Liabilities for necessities

§ 9:19. What are and are not necessities

§ 9:20. —Money advanced for purchase of necessities

§ 9:21. —Where necessities are already available to  
minor

§ 9:22. False representation of age; Estoppel

§ 9:23. —Other false representations

§ 9:24. Infant's ability to bind parent

§ 9:25. Action by and against infants

- Michael J. Dale et al., [\*Representing the Child Client\*](#) (2007).

Chapter 3. The legal status of minors

§ 3.03. Minor's right to contract: Capacity to promise  
[1]—Generally

[a]—Binding contracts

[b]—Voidable contracts

- John D. Calamari & Joseph M. Perillo, *The Law of Contracts* (6th ed., 2009).

Chapter 8. Capacity of minors

§ 8.1. Introduction

§ 8.2. Transactions that the infant cannot avoid

§ 8.3. Avoidance and ratification

§ 8.4. Effect upon ratification of ignorance of law or  
fact

§ 8.5. Obligations of restitution upon disaffirmation

§ 8.6. Torts connected with contracts

§ 8.7. Liability of an infant for necessities

**LAW REVIEWS:**

- Paul S. Lazorick, *Obligations for Family Debts*, 44 CONN. BAR

J. 236, 242 (1970).

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# Section 9: Medical Treatment for Minors

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the rights of minors to consent to confidential medical treatment including abortions.

## **ONLINE PUBLICATIONS:**

- Center for Children's Advocacy, [Adolescent Health Care: Legal Rights of Teens](#) (2008). (Hosted on the Connecticut Department of Children and Families Website.)

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))

- [§ 1-1d](#). Age of Majority, defined.
- [§ 17a-1](#). Definitions. "As used in sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120,..."
- [§ 17a-4a](#). Children's Behavioral Health Advisory Committee. Membership.
- [§ 17a-6](#). Powers and duties of commissioner (*Dept. of Children & Families*)
  - "(e) Insure that all children under the commissioner's supervision have ... adequate medical, dental, psychiatric, psychological,... services."
- [§ 17a-81](#). Parental consent necessary for treatment. Exceptions. (*Dept. of Children & Families, Commitment of Mentally Ill Children*)
- [§ 17a-101f](#). Exam by physician - diagnostic tests and procedures to detect child abuse.
- [§ 17a-688\(d\)](#). "If the person seeking treatment or rehabilitation for alcohol dependence or drug dependence is a minor, the fact that the minor sought such treatment or rehabilitation or that the minor is receiving such treatment or rehabilitation, shall not be reported or disclosed to the parents or legal guardian of the minor without the minor's consent. The minor may give legal consent to receipt of such treatment and rehabilitation. A minor shall be personally liable for all costs and expenses for alcohol and drug dependency treatment afforded to the minor at the minor's request under section 17a-682."
- [§ 19a-14c](#). Provision of outpatient mental health treatment to minors without parental consent.
- [§ 19a-216](#). Examination and treatment of minor for venereal disease. Confidentiality. Liability for costs.
- [§ 19a-285](#). Consent by minor to medical, dental or hospital services for child.
- [§ 19a-285a](#). Donation of blood by minors.
- [§ 19a-582](#). Informed consent for testing. Exceptions (*HIV testing*)
  - (a) "... The consent of a parent or guardian shall not be a prerequisite to testing of a minor."
- [§ 19a-592](#). Testing and treatment of minor for HIV or AIDS. Confidentiality. Liability for costs.
- [§ 19a-601](#). Information and counseling for minors required.

- Medical emergency exception.
- [§ 45a-604](#)(5) 'Guardianship' means guardianship of the person of a minor, and includes: (A) the obligation of care and control; (B) the authority to make major decisions affecting the minor's education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;..."
- [§ 45a-606](#). Father and mother joint guardians.
- [§ 46b-150](#). Emancipated Minor - at least 16 years old.

## **REGULATIONS:**

CONN. AGENCIES REGS. (2007)

Public Health Code [§19-13-D3](#)(d)(8) "...except in emergency situations, the responsible physician shall obtain proper informed consent as a prerequisite to any procedure or treatment for which it is appropriate ..."

## **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- John Kasprak, *Childhood Immunizations*, Connecticut General Assembly, Office of Legislative Research Report No. [2009-R-0373](#) (October 9, 2009).
- Saul Spigel, *Parental Control and Teenagers' Rights*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0860](#) (October 25, 2002).
- John Kasprak, *Refusal of Medical Treatment on Religious Grounds*, Connecticut General Assembly, Office of Legislative Research Report No. [99-R-0180](#) (February 3, 1999).
- John Kasprak, *Medical Treatment for Minors*, Connecticut General Assembly, Office of Legislative Research Report No. [95-R-0617](#) (March 22, 1995).

## **CASES:**

(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [H.L. v. Matheson](#), 450 U.S. 398, 67 L.Ed. 2d 388, 101 S.Ct. 1164, 1166 (1981). "The question presented in this case is whether a state statute which requires a physician to 'notify, if possible,' the parents of a dependent, unmarried minor girl prior to performing an abortion on the girl violates federal constitutional guarantees."
- [Hodgson v. Minnesota](#), 497 U.S. 417, 110 S. Ct. 2926, 111 L.Ed. 2d 344 (1990). The Supreme Court "held that requirement that both parents be notified of minor's abortion decision did not reasonably further any legislative state interest and was unconstitutional. The court further held ... that provision of statute which requires two parent notification unless pregnant minor obtains judicial bypass was constitutional."
- [Ruby v. Massey](#), 452 F.Supp. 361 (D. Conn. 1978). *Can parents give consent to sterilization of retarded/handicapped children in lieu of childrens' consent?*

## **FORMS:**

- 13C [AM. JUR. LEGAL FORMS 2D](#) *Parent and Child* (2002)

Chapter 191. Parent and child  
 § 191:29. Medical and dental treatment  
 § 191:30. Consent of parent—Medical treatment for minor  
 § 191:31. Consent of parent—Surgery for minor  
 § 191:32. Consent of parent—Medical treatment for emancipated minor—With disclaimer of liability for expenses  
 § 191:37. Consent of minor living separate and apart from parents or legal guardian—For hospital and medical care  
 § 191:42. Consent of emancipated minor—Diagnosis and treatment of venereal disease  
 § 191:45. Consent by unmarried pregnant minor—For hospital, medical and surgical care

**WEST KEY #:**

- Health # 911. Minors in general; consent of parent or guardian

**ENCYCLOPEDIAS:**

- 59 [AM. JUR. 2d](#) *Parent and Child* (2012).  
 § 65. Medical and dental care

**TEXTS & TREATISE:**

- Michael J. Dale et al., [Representing the Child Client](#) (2011)  
 Chapter 3. The legal status of minors  
 § 3.02[2][c]. Medical care
- 1 Donald T. Kramer, [Legal Rights of Children](#) (rev. 2d ed., 2005)  
 Chapter 14. Adolescents and their legal rights  
 § 14:13. Consent to medical treatment for minors—The common law rule  
 § 14:14. —Legislative modification  
 § 14:15. —Payment for medical services for minors  
 § 14:16. Minor's right to consent to abortion without parental consent  
 § 14:17. Minors right to obtain contraceptives  
 § 14:18. —Admission of minors to state mental hospitals  
 § 14:19. Other constitutional rights

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# Section 10: Employment Rights of Minors in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the rights of minors in the workplace.

## **STATUTES:**

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

CONN. GEN. STAT. (2011) ([2012 Supplement](#))

- [§ 10-193](#). Certificate of age for minors in certain occupations.
- [§ 10-194](#). Penalty  
“Any person ... who employs any minor under the age of eighteen at any occupation described in subsection (a) of section 10-193 without having obtained a certificate as provided therein shall be fined not more than one hundred dollars.”
- [§ 10-197](#). Penalty for employment of child under fourteen.
- [§ 31-12](#). Hours of labor of minor ... in manufacturing or mechanical establishments.
- [§ 31-13](#). Hours of labor of minor ... in mercantile establishments.
- [§ 31-14](#). Night work of minors regulated.
- [§ 31-15](#). *Penalties for violating the provisions of §§ 31-12 to 31-14.*
- [§ 31-16](#). Night work in messenger service.
- [§ 31-18](#). Hours of labor of minors ... in certain other establishments.
- [§ 31-23](#). Employment of minors prohibited in certain occupations. Exceptions.
  - [Public Act No. 12-154](#), *An Act Concerning Manufacturing and Mechanical Internships*.
- [§ 31-24](#). Hazardous employment of children forbidden. Penalty.
- [§ 31-25](#). Operation of elevators by minors.

UNITED STATES CODE (2012)

- [29 U.S.C. § 203](#)(l). “Oppressive child labor” defined
- [29 U.S.C. § 212](#). Child labor provisions
- [41 U.S.C. § 6502](#). Required contract terms (*A contract made by an agency of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment, in an amount exceeding \$10,000, shall include... [n]o individual under 16 years of age.*)

## **REGULATIONS:**

- CONN. AGENCIES REGS. (3-99).  
Title 31. Department of Labor  
§ 31-23-1. Employment of minors  
*Includes a list of jobs declared hazardous by the Connecticut State Department of Labor*

- [29 CFR. Part 570](#) (Rev. 7-1-11)  
Child labor regulations, orders and statements of interpretation  
Subpart A—General  
Subpart B—Certificates of age  
Subpart C—Employment of minors between 14 and 16 years of age (Child Labor Reg. 3)  
Subpart E—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being  
Subpart E-1—Occupations in agriculture particularly hazardous for the employment of children below the age of 16.

#### **LEGISLATIVE:**

(Note: [Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.)

- Lynn Marx, *Employment of 14- And 15-Year-Olds in Connecticut Compared to Federal Law*, Connecticut General Assembly, Office of Legislative Research, Report No. [2008-R-0330](#) (May 30, 2008).  
"You asked for a comparison of how state law, including PA 08-108, compares to federal law regarding the employment of 14- and 15-year-olds."
- Lynn Marx, *Employing Foreign Minors*, Connecticut General Assembly, Office of Legislative Research, Report No. [2001-R-0271](#) (Mar. 15, 2001).  
"You asked whether 16 and 17 year old high school students from France could work in the United States for 4 to 8 weeks during the summer. The French students would be coming to the United States as part of an exchange program."

#### **AGENCY GUIDANCE:**

- Connecticut Department of Labor, [Employment of Minors](#):
  - *Checklist - Employment of Minors*
  - *FAQs for the Employment of Minors*
  - *Getting The Facts To Promote Young Worker Safety in Connecticut (PDF, 224KB)*
  - *Guidelines for Cadets, Explorers, and Junior Members of Fire, Emergency Medical, and Police Services (PDF, 1.0MB)*
  - *Minimum Wage For Minors FAQs*
  - *Permitted and Prohibited Places of Employment, Time and Hour Restrictions, and Exemptions*
  - *Working Papers Manual (State Department of Education web site)*

<http://www.ctdol.state.ct.us/wgwkstnd/emloyminors.htm>

#### **CASES:**

- [Blancato v. Feldspar Corporation](#), 203 Conn. 34, 522 A.2d 1235 (1987).  
Estate of a minor who was illegally employed may bring a suit for wrongful death despite the exclusive remedy provision of the Workers' Compensation Act. "...we limit this power of election with respect to employment contracts to minors who had been illegally employed." (p. 41-42)



(Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.)

- [Grant v. Bassman](#), 221 Conn. 465, 604 A.2d 814 (1992).
- [Goodrow v. Bates](#), Superior Court, Judicial District of Danbury, Docket No. 295634 (May 8, 1992).  
"The clear impact of *Blancato* is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers' compensation benefits, or to reject it and bring a common law tort action... This is a clear situation of election of remedies and ratification of the illegal employment contract."

#### **FORMS:**

- 9A [AM. JUR. LEGAL FORMS 2D](#) (2002 rev.)  
§ 132.25. Guaranty by parents—Performance of minor's obligations under employment contract—Letter form

#### **TEXTS & TREATISE:**

- Jeffrey L. Hirsch, [Labor and Employment in Connecticut: A Guide to Employment Laws, Regulations and Practices](#) (2007).  
Chapter 1. Hiring  
§ 1-8. Hiring of minors—Child labor  
Coverage  
Permissible employment  
Hours  
Employment forms  
Penalties
- Siegel, O'Connor, Zangari, O'Donnell & Beck P.C., [Connecticut Labor & Employment Law](#) (3rd ed., 2004).  
Chapter 2. Wage and hour provisions  
V. Child labor Laws  
A. Introduction  
B. Prohibited occupations  
C. Prohibited activities  
D. Restrictions on hours of work  
E. Exemption from child labor laws  
F. Proof of age  
G. Violations
- Donald T. Kramer, [Legal Rights of Children](#) (revised 2d ed. 2005).  
Chapter 19. Child labor laws  
§ 19:1. Origins of child labor laws  
§ 19:2. Federal child labor laws—Historical perspective and purpose  
§ 19:3. Ages of employment under federal child labor laws—Generally  
§ 19:4. —Certificates of age  
§ 19:5. —Federal exemptions to age limits  
§ 19:6. —Federal age limits relating to hazardous employment  
§ 19:7. Federal laws—Employment of children under special certificates in jobs paying less than the minimum wage

- § 19:8. —Hours of employment
  - § 19:9. —Penalties and remedies
  - § 19.10. State child labor laws—Historical perspective
  - § 19.11. State laws—Minimum age provisions
  - § 19:12. —Maximum hours provisions
  - § 19:13. —Hazardous employment restrictions
  - § 19:14. Defenses and arguments made by violators
  - § 19:15. Child labor law reforms and job opportunities
- 1 Michael J. Dale et al., [\*Representing the Child Client\*](#) (2011).
    - Chapter 3. The legal status of minors
      - § 3.03. Minor's right to contract: Capacity to promise
        - [2]—Employment
          - [a] Child labor laws
          - [b] —Minimum wage
          - [c]—Prohibition on race and sex discrimination
          - [d]—Parents' right to child's wage
          - [e]—Taxes due
  - Mark A. Rothstein et al., [\*Employment Law\*](#) (4th ed. Practioner Treatise Series, 2009).
    - Chapter 4. Wage, hours, and benefits
      - § 4.7. Fair Labor Standards Act—Child labor

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